



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 5, 1998

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR98-0614

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 113182.

The City of Houston (the "city") received a request for a recording of a specific 911 call. You assert that the recording is excepted from required public disclosure based on section 552.101 of the Government Code. Section 552.101 applies to information that is deemed confidential by law, either constitutional, statutory, or by judicial decision. You base your section 552.101 claim on your assertion of the applicability of section 773.091 of the Health and Safety Code.

Section 773.091(b) of the Health and Safety Code provides as follows:

Records of the identity, evaluation, or treatment of a patient by emergency medical services personnel or by a physician providing medical supervision that are created by the emergency medical services personnel or physician or maintained by an emergency medical services provider are confidential and privileged and may not be disclosed except as provided by this chapter.

Based on your representation that the conversations at issue were made by certified emergency medical personnel, we conclude that the city must not release the recording except as provided by chapter 773 of the Health and Safety Code. *See* Open Records Decision No. 598 (1991) n. 1 (access to records covered by Health and Safety Code section 773.091 not governed by Open Records Act).¹

¹*See also* Health and Safety Code §§ 773.092(e)(2) (permitting release of confidential records to governmental agencies if disclosure is required or authorized by law), (4) (permitting release to person bearing

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/alg

Ref.: ID# 113182

Enclosures: Submitted documents

cc: Mr. Chris Hanson
Assignment Manager
KPRC-TV Channel 2
P.O. Box 2222
Houston, Texas 77252
(w/o enclosures)

written consent of patient or other persons authorized to act on patient's behalf), 773.093 (requirements for written consent).